

REMARKS

In response to the Office Action mailed October 6, 2003, Applicants amend their application and request reconsideration. No claims are added or cancelled, so that claims 1-3, 5-15, and 17-39 remain pending.

Applicants express appreciation for the interview provided to their representative on November 18, 2003 for discussing numerous issues raised in this prosecution, particularly issues regarding the material of an alleged sexual and provocative nature.

Drawing Objections

In response to the first Office Action December 18, 2002, Applicants made significant changes in the drawings. It became apparent during the interview with the Examiner that many of these drawing changes had never been reviewed or even properly entered in the file. Two kinds of drawing changes were submitted in the response filed May 16, 2003. Replacement sheets were submitted for Figures 12, the second and third sheets of Figure 31, and the second sheet of Figure 32. The drawing sheets of this patent application are each separately numbered and the replacement drawing sheets replaced original drawing sheets 12/38, 31/1/38, 31/2/38, and 35/1/38. At the time of filing the replacement sheets, Applicants were instructed to incorporate the drawing changes within the Amendment and those replacement drawing sheets appeared between pages 2 and 3 of the Amendment that was filed.

In addition to the replacement sheets that were submitted with the response filed on May 16, 2003, Applicant also submitted proposed drawing changes for Figures 14-16 with the proposed changes marked in red. Those three sheets correspond to sheets 14/38, 15/38, and 16/38 of the patent application. Approval is requested for the replacement sheets and proposed drawings filed May 16, 2003.

In this Amendment, incorporated within the Amendment and bearing a "Replacement Sheet" stamp, as now required, are sheets 32/1/38 and 32/2/38. Approval of those replacement sheets, which obscure four additional words stated by the Examiner in the personal interview to be objectionable, is respectfully requested.

The statement in the Office Action mailed October 6, 2003, that the drawings submitted with the Amendment filed May 16, 2003 did not address the issues raised in the previous Office Action is erroneous. The drawing objections were addressed both in the submitted replacement sheets and proposed amendments as well as by three paragraphs of discussion appearing at page 13 of that Amendment. The Examiner's attention is respectfully directed to that discussion which pointed out that the objections were

traversed, to the extent not responded to with the replacement sheets or proposed amendments.

In summary, the position formerly taken, which is maintained, is that the objection to the drawings as containing foreign-language characters is incorrect as well as inappropriate. Every non-pictorial figure including foreign-language characters includes an English language translation. To the extent foreign-language characters still appear, they appear within images that are part of the disclosed invention. These foreign characters are no more objectionable than any other element that appears in these images. If demanded and if the claims of this patent application are allowed, replacement sheets will be supplied in which the translations already appearing in non-pictorial figures will be incorporated into the respective figures. However, there is no reason to nor any intention of removing foreign-language characters from pictures, a word used to distinguish the images from the term "figures".

Applicants also responded that they would not delete any figures from the patent application because the Examiner has no authority to demand the deletion of any drawing figure. Applicants have deleted from the figures the allegedly provocative or sexually suggestive material. Applicants respectfully repeat that there is no standard established by statute, regulation, or court decision as to what constitutes provocative or sexually suggestive material nor any such authority that such material cannot appear in a patent application. The figures, as amended, do not offend contemporary standards, and, therefore, the drawing objection should be withdrawn.

If the Examiner intends to maintain the objection to the drawings, Applicants respectfully request that the basis for each of the objections be stated in detail as to the specific elements in specific figures that are objected to. Otherwise, response is impossible. Further, it is requested that any such drawing objections be made final so that Applicants can seek supervisory review of the objections if further drawing amendments are not proposed.

Substitute Specification

The Examiner acknowledged the receipt of the substitute specification on May 16, 2003. According to the October 6, 2003 Office Action, the substitute specification "contains material of a sexual and provocative nature that is not necessary for understanding of the invention." This statement is erroneous for several reasons.

First, and most important, as already mentioned above, not only is there no established legal standard for what might be considered offensive, there is no basis for demanding the deletion of any such material that might appear in a patent application.

Second, the material in the text that is apparently considered offensive is not offensive to current social standards in the United States. This conclusion is clear when considering language and material regularly appearing on broadcast television as well as stories and commentary appearing in reputable national newspapers within the United States.

Third, the Examiner's demand that the specification "must be amended to address this matter" does not provide any guidance to the Applicants as to how to respond to whatever this comment concerning the specification may be. It is presumed that the comment is an objection. If so, the Examiner is requested to take two actions. First, the Examiner is requested to specify every passage in the specification that is allegedly offensive. Without the identification of the allegedly offensive passages, it is impossible for Applicants even to contemplate what changes might be required in the specification. Second, the Examiner is requested to make the objection final so that it can be subjected to supervisory review.

Finally, Applicants believe there is no patentably offensive material in the specification. All of the words discussed at the interview as potentially offensive appear in the drawing figures.

Claim Objections

All pending claims were "objected to because of the following informalities." However, there is no list of informalities as there was in the Office Action mailed December 18, 2002. The Examiner states that while he understands the claims, they "appear to be a more or less direct translation from a foreign language." This statement is, like many other statements in the Office Action, if not incorrect, an exaggeration. The undersigned has reviewed and revised all claims and finds no indefinite language in the claims. Every term has proper antecedent basis, for example. If the Examiner intends to maintain the objection to the claims, then the Examiner is obliged to point out the specific defects in each of the claims that provide the basis for each rejection. Compare MPEP 706.03(d).

Prior Art Rejections

Claim 31 was rejected as anticipated by Ugawa (U.S. Patent 5,836,819). This rejection is respectfully traversed as to the amended claim 31 presented here.

In this Amendment, only claim 31 is amended. Limitations are added to claim 31 that are identical to limitations appearing in, for example, claim 1 and that are clearly supported by the application as filed. The added features of claim 31 concerning the

design including at least two different characters with respective word designs, and a combination of those word designs indicating respective probabilities is not disclosed anywhere within Ugawa. Therefore, the rejection of claim 31, as to the amended claim 31, must be withdrawn.

Claims 1-3, 5-11, 18-20, 23, 25-30, and 32 were rejected as unpatentable over Kodachi et al. (U.S. Patent 6,142,874, hereinafter Kodachi). This rejection is respectfully traversed.

The rejection is legally erroneous. Pursuant to 35 U.S.C. 103(c), Kodachi cannot be prior art to the present patent application.

The present patent application is a national phase application of an international patent application, PCT/JP00/05693 filed in Japan on August 24, 2000. Thus, the effective filing date of the present patent application is August 24, 2000, because the international application designated the United States. Moreover, the international application claims the priority of the two Japanese national patent applications identified in the Declaration of this patent application. Those Japanese national applications were filed on August 31, 1999. With this Amendment, Applicants submit certified English language translations of their Japanese national patent applications 11/244279 and 11/244280, perfecting, pursuant to 37 CFR 1.55(a), their filing date of August 31, 1999, as the effective filing date of the present patent application.

Kodachi issued as a U.S. patent on November 7, 2000 with a U.S. filing date of May 25, 1999. Bearing in mind the effective filing date of the present patent application, it is apparent that Kodachi cannot be prior art pursuant to 35 U.S.C. 102(a), because Kodachi was neither patented nor a printed publication in this or a foreign country before the effective filing date of the present patent application. For the same reason, it is even more apparent that Kodachi cannot be prior art pursuant to 35 U.S.C. 102(b). In fact, the only subsection under which Kodachi can be prior art is 35 U.S.C. 102(e).

The present patent application is assigned, pursuant to an assignment recorded in the records of the U.S. Patent and Trademark Office at reel 12042, frame 156, to Aruze Corporation. Kodachi is likewise assigned to Aruze Corporation. Thus, 35 U.S.C. 103(c) applies. Pursuant to that subsection, Kodachi cannot be applied as prior art against any claim of the present patent application. Therefore, the prior art rejection based upon Kodachi must be withdrawn.

In passing, Applicants note that many of the issues concerning the present patent application were apparently not raised in the prosecution of Kodachi, a patent application examined in the same art unit as the present patent application. The same vocabulary, with the terms "reach" and "big-hit", were included in Kodachi. Further, Figures 24, 25,

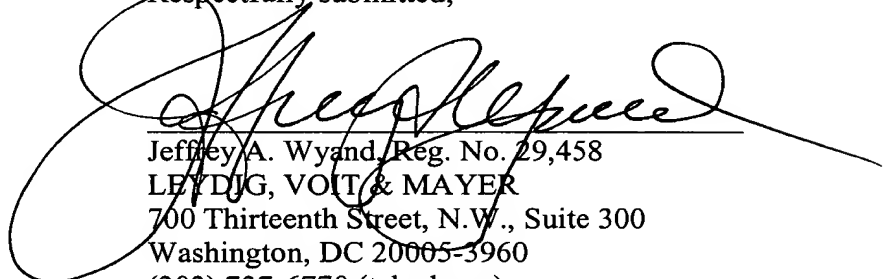
and 33 include, as parts of images, foreign-language characters. Their inclusions were not objectionable in Kodachi and should not be objectionable here. Likewise, the vocabulary here should not have been questioned. Reconsideration of these issues in the patent application in view of the desirability of uniformity in prosecution is additionally requested.

Applicants further note that there has been no prior art rejection with regard to claims 12-15, 17, 21, 22, 24, and 33-39. As there has been no specific objection to the form of those claims, all of those claims, with the exception of claim 24, should be identified as allowed and claim 24, a dependent claim, should be identified as allowable.

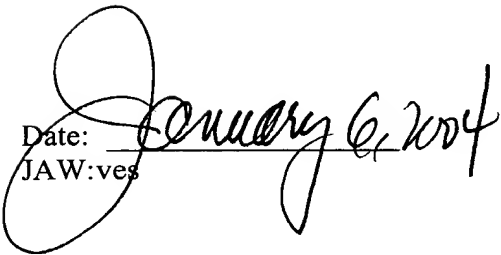
Conclusion

Every specific issue raised in the Office Action of October 6, 2003 has been responded to here or in the previous Amendment. Upon entry of the Amendment of claim 31, there is no ground for any prior art rejection of any pending claim. Further, none of the objections to the specification, drawings, and claims can be reasonably maintained because none of those objections is specific. Therefore, reconsideration and allowance of the entire application is earnestly solicited.

Respectfully submitted,



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